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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,309	02/22/2007	Barry Geer	050588/312849	5197
826 7590 03/16/2010 ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER YACOB, SISAY	
			ART UNIT 2612	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,309

Applicant(s)

GEER, BARRY

Examiner

SISAY YACOB

Art Unit

2612

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 8-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 8-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Response to Amendment

1. This communication is in response to applicant's RCE, which was filed January 06, 2010.
2. Amendments and arguments to pending rejected claims 1-4, 6 and 8-16 have been entered and made of record in the application of Geer for "Traffic Light with Modular Pole" filed on February 22, 2007.

Claims Status

Claims 1 and 6 are amended.

Claim 4 is as originally presented.

Claims 2-3 and 8-16 are same previously presented.

Claims 5 and 7 are as previously canceled.

Claims 1-4, 6 and 8-16 are pending.

3. **Claims 1-4, 6, 12-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent to ARMSTRONG (5,986,576) in view of U.S. Patent to KELLY et al. (3,899,891).**

As to claim 1, Armstrong discloses a light assembly (*Item 10*) comprising a pole having a plurality of inter-engagable sections (*Items 24 and 34*) located end-to-end to form the pole (*See figures 1 and 2*), each section having an axial hole therethrough, to form a passage through the sections for a cable (*Item 36; Col. 7, line 54 - Col. 8, line*

11) in an axial direction (*See figure 1*), and a light attached at an operatively upper end of the pole (*Items 12, 14 and 16*).

Armstrong does not expressly disclose one end of each section having a neck and collar formation and an opposite end of each section having a complementary shaped first inner blind bore for receiving the neck of an adjacent section, a securing line located through the passage, and securing means movably securable on the securing line in an axial direction to secure the sections of the pole together.

Kelly et al. discloses a pole/post assembly (*Abstract; Figures 1-7*) having a plurality of engagable sections (*shell sections*), each section having an axial hole therethrough (*bore*), to form a passage through the sections for a securing line (*tendon*) located through the passage (*see figures*), securing means (*anchor*) movably securable on the securing line in an axial direction to secure the sections of the pole together (*Col. 2, lines 15-37; Col. 3, lines 30-42; Col. 4, line 51 - Col. 5, line 15*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light assembly of Armstrong, by incorporating the securing means, as disclosed by Kelly et al., so as to provide pole/post structure that may provide poles/posts, which are light-weight compared to its strength, because Kelly et al. suggests the pole/post structure maybe provided by different materials (*wood, metal, concrete, plastic*) at different sizes in order to meet different requirements (*Col. 3, lines 45-64; Col. 5, lines 38-62*), one skilled in the art would be motivated to incorporate it into various devices including a light assembly.

As to claim 2 (depends on 1), the combination of Armstrong and Kelly et al. as set forth above in claim 1, further, Armstrong discloses the pole includes a light connector at an upper end thereof (*Item 64*), the light connector comprising a housing wherein a default light (*Item 62 of figure 8*) is housed and wherein the pole sections are secured (*Col. 6, lines 14-40*).

As to claims 3 and 4 (depend on 1 and 3 respectively), the combination of Armstrong and Kelly et al. as set forth above in claim 1, further, Armstrong discloses a footpiece engaged underneath an operatively lowest section of the pole, and has an operatively lower outwardly extending skirt providing a wider base section for supporting the pole (*Item 30*).

As to claim 6 (depends on 1), the combination of Armstrong and Kelly et al. as set forth above in claim 1, further, Kelly et al. discloses inter-engagable sections (*shell sections*) that are cylindrical (*see figures 1-7*), and have a first bore (*bore 106 of figure 6*) in a main body of the section (*shell sections of 102*) and a second bore in the neck formation (*bores 126 and 128*) that the assembled pole includes-a said passage therethrough (*Col. 4, line 51 – Col. 5, line 15*).

As to claim 12 (depends on 2), the combination of Armstrong and Kelly et al. as set forth above in claim 2, further, Armstrong discloses an adaptor (*Item 11*) connectable to the light connector (*Item 64*), the adaptor having a number of sockets (*Items 12, 14 and 16*) for receiving lights in the sockets (*Col. 5, line 61 - Col. 6, line 13*).

As to claim 13 (depends on 1), the combination of Armstrong and Kelly et al. as set forth above in claim 1, further, Armstrong discloses the light connected to the pole includes a bank of light emitting diodes (*Col. 2, lines 60-64*).

As to claim 14 (depends on 13), the combination of Armstrong and Kelly et al. as set forth above in claim 13, further, Armstrong discloses the bank of light emitting diodes is controlled to emit one of a plurality of different colors of light at a time (*Col. 3, lines 5-16, 28-38*).

As to claim 16 (depends on 1), the combination of Armstrong and Kelly et al. as set forth above in claim 1, further, Armstrong discloses the light assembly is a traffic light assembly (*Col. 2, lines 60-64*).

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over ARMSTRONG in view of KELLY et al. and further in view of U.S. Patent to NEVIN (5,675,956).

As to claim 8 (depends on 1), the combination of Armstrong and Kelly et al. as set forth above in claim 1, but, the combination does not expressly disclose a securing line is a rod having screw threaded ends for receiving nuts for securing the sections together.

Nevin discloses a pole assembly that employs a rod having screw threaded for securing the sections together (*Abstract; Col. 4, lines 10-25; Figures 2 and 4*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Kelly et al., by having

the securing rod having screw threaded, as disclosed by Nevin, because a rod having screw threaded ends for receiving nuts is conventional and one skilled in the art would readily understand the securing means of Lambert maybe replaced by any equivalent conventional attaching means including a rod having screw threaded ends for receiving nuts as disclosed by Nevin.

5. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over ARMSTRONG in view of KELLY et al. and further in view of the U.S. Patent to NIEMEYER (5,340,069).

As to claim 9 (depends on 2), the combination of Armstrong and Kelly et al. as set forth above in claim 2, but, the combination does not expressly disclose the light connector includes annular lip formations, one annular lip formation extending upwardly from a base thereof and the other downwardly form an operatively upper end of a cylindrical section to form downwardly and upwardly facing annular channel sections for receiving lugs at the rear of a traffic light therein.

Niemeyer discloses a light assembly that incorporate a light connector includes annular lip (*Item 20 of figure 1 has annular end connection*) formations, one annular lip formation extending upwardly from a base thereof (*lower item 20 of figure 1*) and the other downwardly (*upper Item 20 of figure 1*) form an operatively upper end of a cylindrical section (*Item 22 of figure 1*) to form downwardly and upwardly facing channel sections for receiving lugs at the rear of a traffic light therein (*Col. 6, line 66 - Col. 7, line 12*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Kelly et al., by incorporating a light connector, as disclosed by Niemeyer, because having annular lips in the extensions increase the holding force of the assembly.

As to claim 10 (depends on 9), the combination of Armstrong, Kelly et al. and Niemeyer as set forth above in claim 9, further, Niemeyer discloses an adaptor (*Item 100*) connectable to the light connector (*Item 20 via items 24 and 26*), the adaptor having a number of sockets (*3 sockets*) for receiving lights in the sockets, and wherein the adaptor is securable at any position about the cylindrical section (*See figures 1-7*).

As to claim 11 (depends on 9), the combination of Armstrong, Kelly et al. and Niemeyer as set forth above in claim 9, further, Armstrong discloses the base and cylindrical section are axially movable relative to each other to move the formations away from each other to facilitate adjustment of the height of the light assembly.

But the combination does not expressly disclose the base and cylindrical section are axially movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong, Lambert and Niemeyer, by having the base and cylindrical section are axially movable relative to each other, in order to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations, because the Niemeyer lip formation of

Niemeyer's light assembly is removable and one skilled in the art would readily understand the different pole sections may be joined by various ways and means including the sections being fasten in axial direction at one or both ends as it is conventional method of joining adjacent section of poles and pipes in various arts, wherein, any part including the base and cylindrical section may be axially movable relative movable relative to each other to move the lip formations away from each other to facilitate insertion of lugs at the rear of a light in the opposing channels formed by the lip formations.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over ARMSTRONG in view of KELLY et al. and further in view of the U.S. Publication of CLAUBERG (200601521775 A1).

As to claim 15 (depends on 13), the combination of Armstrong and Kelly et al. as set forth above in claim 2, but, the combination does not expressly disclose groups of light emitting diodes in the bank can be switched off while the remaining light emitting diodes are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on.

Clauberg discloses a light assembly, wherein groups of light emitting diodes in the bank can be switched off while the remaining light emitting diodes are switched on to form a shape in the bank of light emitting diodes formed by the light emitting diodes remaining switched on (*Par. 0003-0004*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Armstrong and Lambert, by incorporating the slight assembly illumination, as disclosed by Clauberg, because it is conventional to use selected illumination light in the traffic light art and Clauberg discloses the claimed limitations.

Response to Arguments

7. Applicant's arguments, see (Pages 10-12), filed (January 06, 2010), with respect to the rejection(s) of claim(s) 1-4, 6, and 8-16 under 35 U.S.C. 103(a) have been fully considered, but are moot in view of new ground(s) of rejection. See above rejection for full detail.

Conclusion/Correspondence

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SISAY YACOB whose telephone number is (571)272-8562. The examiner can normally be reached on Monday through Friday 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, GEORGE A. BUGG can be reached on (571) 272-2998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sisay Yacob

03/10/2010

/S. Y./

Examiner, Art Unit 2612

/George A Bugg/

Primary Examiner, Art Unit 2612